

REMARKS

This is intended as a full and complete response to the Office Action dated June 23, 2005, having a shortened statutory period for response set to expire on September 23, 2005. Please reconsider the claims pending in the application for reasons discussed below.

Claim Rejections - 35 U.S.C. § 102

Claims 1, 2, 4 and 5 stand rejected under 35 U.S.C. § 102(b) as being anticipated by *Orum et al.* In response, Applicant has canceled these claims without prejudice thereby obviating the rejection. Accordingly, Applicant requests withdrawal of the rejection.

Claims 1, 2, 4-7, 11, 15-17 and 22-24 stand rejected under 35 U.S.C. § 102(b) as being anticipated by *Boyle*. In response, Applicant respectfully traverses the rejection. Additionally, Applicant has canceled claims 1, 2, 4 and 5 without prejudice.

"A claim is anticipated only if each and every element as set forth in the claim is found, either expressly or inherently described, in a single prior art reference." *Verdegaal Bros. v. Union Oil Co. of California*, 814 F.2d 628, 631, 2 USPQ2d 1051, 1053 (Fed. Cir. 1987). "The identical invention must be shown in as complete detail as is contained in the... claim." *Richardson v. Suzuki Motor Co.*, 868 F.2d 1226, 1236, 9 USPQ2d 1913, 1920 (Fed. Cir. 1989). Further, the elements must be arranged as required by the claim. *In re Bond*, 910 F.2d 831, 15 USPQ2d 1566 (Fed. Cir. 1990).

Applicant has amended claim 6 to include the limitation of previous claim 20, which depended from claim 6 and was indicated to be allowable by the Examiner. Thus, Applicant submits that claim 6 and claims 7, 11 and 15-17 dependent thereon are all allowable. Furthermore, Applicant requests inclusion of withdrawn claims 9, 10 and 12 based on this allowance of claim 6, which is generic to these withdrawn claims. Accordingly, Applicant requests withdrawal of the rejection and allowance of the claims.

Claim 23 recites the limitation of "a rotatable drive shaft extending through the longitudinal bore, wherein a thread is located on an external portion of the shaft, the shaft configured to be manually rotated through the drive ring that is prevented from

rotation to impart axial movement to the drive shaft.” In direct contrast to manually rotating the rotatable drive shaft, a valve assembly disclosed in *Boyle* has an externally threaded stem that “is held against rotation by the T-nut in the gate,” as described in column 2, lines 59-67. Furthermore, an internally threaded nut portion around the stem is not prevented from rotation since rotation of the internally threaded nut portion by a handle is required to operate the valve assembly taught by *Boyle*. This relationship is further described in *Boyle* at column 6, lines 48-56, as a telescoping slip fit of the internally threaded nut portion, which allows the internally threaded nut portion to revolve as the stem is held against rotation.

Thus, *Boyle* fails to disclose each and every limitation of claim 23. This failure precludes *Boyle* from anticipating the claim. Accordingly, Applicant requests withdrawal of the rejection and submits that claim 23 and claims dependent thereon are allowable.

Claim Rejections - 35 U.S.C. § 103

Claims 3 and 8 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over *Boyle*. Applicant has canceled claim 3 without prejudice, thereby obviating the rejection of this claim. Further, Applicant respectfully submits that claim 8 is allowable based at least on its dependency to claim 6, which is allowable as discussed above. Accordingly, Applicant respectfully requests withdrawal of the rejection and allowance of the claim.

Allowable Subject Matter

Claims 18-21 stand objected to as being dependent upon a rejected base claim. In response, Applicant has amended claims 18 and 19 to be written in independent form. Further, claim 20 has been canceled since the limitation of this claim has been included in claim 6 from which claim 20 depended, as discussed above. Additionally, Applicant submits that claim 21 is allowable based at least on its dependency to currently allowable claim 6. Therefore, Applicant respectfully requests withdrawal of the rejection and allowance of the claims.

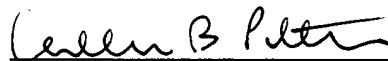
Claims 25-30 are allowed. Applicant acknowledges allowance of these claims.

Conclusion

The secondary references made of record are noted. However, it is believed that the secondary references are no more pertinent to the Applicant's disclosure than the primary references cited in the office action. Therefore, Applicant believes that a detailed discussion of the secondary references is not necessary for a full and complete response to this office action.

The references cited by the Examiner, alone or in combination, do not teach, show, or suggest the invention as claimed. Having addressed all issues set out in the office action, Applicant respectfully submits that the claims are in condition for allowance and respectfully request that the claims be allowed.

Respectfully submitted,



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